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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES FOR THE USE AND  
BENEFIT OF AGATE STEEL, INC.;  
AGATE STEEL, INC., an Arizona  
corporation,

Plaintiffs,

vs.

JAYNES CORPORATION, a New Mexico  
corporation; WESTERN SURETY  
COMPANY, a South Dakota corporation,

Defendants.

JAYNES CORPORATION, a New Mexico  
corporation,

Third-Party Plaintiff,

vs.

AMERICAN STEEL CORPORATION, a  
Nevada corporation, THE OHIO  
CASUALTY INSURANCE COMPANY, a  
foreign corporation,

Third-Party Defendants.

CASE NO. 2:13-cv-01907-APG-NJK

**AMENDED STIPULATION AND  
~~PROPOSED~~ ORDER TO CONTINUE  
DISCOVERY DEADLINES<sup>1</sup>**

**(Sixth Request)**

<sup>1</sup> On April 13, 2015, in compliance with LR 26-4, more than twenty-one days before the relevant deadline, the Parties filed a Stipulation and [Proposed] Order to Continue Discovery Deadlines. [Doc. No. 81.] Per the Court's order denying that Stipulation [Doc. No. 82], because the signature blocks were on separate pages, the Parties file this Amended Stipulation.

Defendant/Third-Party Plaintiff Jaynes Corporation, Inc. (“Jaynes”) and Defendant Western Surety Company (“Western”); Plaintiff United States for the Use and Benefit of Agate Steel, Inc. (“Agate”); and Third-Party Defendants American Steel Corporation (“American Steel”) and the Ohio Casualty Insurance Company (“Ohio”), by and through their respective counsel (collectively the “Parties”), hereby file this Stipulation to Continue Discovery Deadlines. This request complies with Local Rule (“LR”) 6-1, 6-3, 7-1, and 26-4, and is based on good cause because the litigation of this matter will be best served by the proposed extension.

### **I. GOOD CAUSE FOR EXTENSION TO COMPLETE DISCOVERY**

This matter involves a federal work of improvement known as the Fire Crash Rescue Station, located at Creech Air Force Base (the “Project”). Agate asserted a Miller Act claim against Jaynes related to the Project, Jaynes asserted third party claims against American Steel, and American Steel asserted counterclaims against Jaynes.

The parties have previously stipulated to continue discovery deadlines in order to provide reasonable time for all parties to review documents, for experts to review the file, and to complete discovery. This request is not made less than twenty-one days before the discovery deadline, thus excusable neglect need not be demonstrated per LR 26-4.

In light of the Court’s recent order granting American Steel’s Motion for Leave to Substitute Expert and to Supplement Expert Disclosure Pursuant to Federal Rule of Civil Procedure 26, the Parties desire to extend the remaining discovery deadlines by sixty (60) days. [Doc. Nos. 77 and 80.] The Parties believe the requested extension is necessary because the designated experts will need sufficient time to review the new report, possibly prepare a rebuttal report, prepare for their expert depositions, and for all parties to take the remaining depositions in this matter.

Accordingly, good cause exists for this requested extension.

### **II. DISCOVERY COMPLETED TO DATE**

To date the Parties have completed the following discovery:

- The Parties attended the initial FRCP 26(f) conference on January 23, 2014.
- Jaynes and Western made their initial FRCP 26(a)(1) disclosure on February 22,

2014 along with supplemental disclosures on September 19, 2014, November 7, 2014, December 19, 2014, December 22, 2014 and February 5, 2015.

- Agate made its initial FRCP 26(a)(1) disclosure on February 24, 2014, along with supplemental disclosures on November 4, 2014 and November 5, 2014.
- American Steel and Ohio issued their initial FRCP 26(a)(1) disclosure on February 24, 2014, along with supplemental disclosures on June 4, 2014, July 21, 2014, September 12, 2014, December 26, 2014 and February 5, 2015.
- Agate served written discovery on Jaynes and American Steel on or about June 13, 2014 and June 17, 2014.
- American Steel served responses to Agate's written discovery on or about July 16, 2014.
- American Steel and Ohio served written discovery on Jaynes on or about July 18, 2014.
- Jaynes served responses to Agate's written discovery on or about July 21, 2014.
- Jaynes served responses to American Steel's written discovery on or about August 20, 2014 and supplemental responses on September 19, 2014.
- Jaynes served written discovery on Agate and American Steel on September 16, 2014.
- American Steel served written discovery on Jaynes on October 24, 2014.
- American Steel served responses to Jaynes' written discovery on November 4, 2014.
- Jaynes served responses to American Steel's written discovery on November 26, 2014.
- Jaynes served its expert disclosure on September 15, 2014, and its rebuttal exporter disclosure on December 22, 2014.
- American Steel served its expert disclosure on September 8, 2014.
- Jaynes has noticed the depositions of Agate's relevant fact witnesses for April 28 and April 29, 2015.

- The parties are currently coordinating schedules with counsel and all necessary witnesses, who are in various states, to set all remaining depositions.

### **III. DISCOVERY TO BE COMPLETED**

The parties anticipate that the following discovery still needs to be completed:

- Depositions of the Parties' respective corporate representatives.
- Depositions of additional witnesses to be designated.
- Expert depositions.
- Any additional discovery that may be necessary.

### **IV. PROPOSED NEW DEADLINES**

#### **A. Deadline to Conclude All Discovery:**

Currently: May 4, 2015

Proposed: **June 30, 2015**

#### **B. Deadline for Parties to File Dispositive Motions:**

Currently: June 8, 2015

Proposed: **July 30, 2015**

#### **C. Deadline to File Pretrial Order:**

Currently: July 6, 2015

Proposed: **August 31, 2015**

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1       **V. CONCLUSION**

2               For the foregoing reasons, the Parties respectfully request that the Court grant their  
3 request to continue the discovery deadlines detailed herein.

4       Dated: April 14, 2015

Dated: April 14, 2015

5       SNELL & WILMER L.L.P.

LAW OFFICES OF TIMOTHY D. DUCAR,  
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By: /s/ Timothy D. Ducar

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20       Dated: April 14, 2015

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Casualty Insurance Corporation

**ORDER**

IT IS SO ORDERED.

DATED this 15<sup>th</sup> \_ day of April, 2015.

  
United States Magistrate Judge